

## **REMARKS**

### **Summary**

Applicants have rewritten Claim 14, cancelled Claims 1-8, 10-13, and 24-30 and added Claim 31. No new matter has been added as a result of the amendment.

### **Objection to Claims**

Claims 14 and 24 were objected to as containing informalities. Applicants have removed the informalities and respectfully request that the Examiner withdraw the objection in the next Office Action.

### **Rejection of Claims**

#### **35 U.S.C. §112, first paragraph**

Claim 7 was rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement and containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants have cancelled Claims 1-13.

#### **35 U.S.C. §112, second paragraph**

Claims 1-8 and 10-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. More specifically, the Examiner indicated that it is unclear as to the extent of the term "planar" in the phrase "an alignment layer having ... an opposing planar surface contacting the optical modulation layer."

Claims 1-13 have been cancelled.

#### **35 U.S.C. §103(a)**

Claims 1-3, 5-6, 10-11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim (U.S. Patent 6,459,463) in view of Kuwabara (U.S. Patent 6,600,536) further in view of Yoshii (U.S. Patent Application

2002/0030774); Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Kuwabara and Yoshii and in further view of Takatsuka (U.S. Patent 6,421,106); Claims 7-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Kuwabara and Yoshii and in further view of Nakamura (U.S. Patent 6,727,967); Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Kuwabara and Yoshii and in further view of Shimada (U.S. Patent 6,424,399); Claims 24-26 and 28-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kanoh (U.S. Patent 6,208,395) in view of Yoshii; and Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kanoh in view of Kuwabara and in further view of Takatsuka.

Claim 27 was objected to as being dependent on a rejected base claim, but the Examiner indicated that it would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-23 were allowed.

Claims 1-13 and 24-30 have been cancelled.

## Conclusion

In view of the amendments above, Applicants seek an allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,



Anthony P. Curtis, Ph.D.  
Registration No. 46,193  
Agent for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200